

At the appropriate place, insert the following:

**SEC. \_\_\_\_ ACCELERATING RURAL BROADBAND DEPLOYMENT ACT.**

(a) **SHORT TITLE.**—This section may be cited as the “Accelerating Rural Broadband Deployment Act”.

(b) **ACCESS TO FEDERAL RIGHTS-OF-WAY FOR BUILD OUT OF BROADBAND SERVICE.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **BROADBAND SERVICE.**—The term “broadband service” means—

(i) any service that has the capacity to transmit data to enable users or devices to originate and receive high-quality voice, data, graphics, and video;

(ii) any service by wire or radio that provides the capability to transmit data to, and receive data from, all or substantially all internet endpoints—

(I) including any capabilities that are incidental to, and enable the operation of, the service; and

(II) excluding dial-up internet access service; or

(iii) any service that is the functional equivalent of a service described in clause (i) or (ii).

(B) **EXECUTIVE AGENCY.**—The term “Executive agency” —

(i) has the meaning given the term in section 105 of title 5, United States Code; and

(ii) does not include the Department of Defense, except for the Army Corps of Engineers.

(C) **RIGHT-OF-WAY OWNED BY THE FEDERAL GOVERNMENT.**—The term “right-of-way owned by the Federal Government” means a right-of-way held by a Federal agency across land owned by another person or entity.

(2) **ACCESS.**—

(A) **IN GENERAL.**—If an Executive agency, a State, a political subdivision or agency of a State, an Indian tribal government, or a person, firm, or organization requests access to a right-of-way owned by the Federal Government, or an instrumentality thereof, or to a structure owned by the Federal Government, or an instrumentality thereof, in any right-of-way, in order to place, construct, modify, or operate facilities for the provision of broadband service, the Executive agency having control of the right-of-way or structure in the right-of-way may grant to the applicant, on behalf of the Federal Government, a license of occupancy authorizing the deployment of all equipment required to deploy broadband service.

(B) **DURATION.**—A license of occupancy issued under this subsection shall be issued with a duration of not less than 30 years and may be renewed for additional periods of like duration.

(C) **APPLICATION FEE.**—Each Executive agency shall establish an application fee to be paid upon submission of a request for access under subparagraph (A).

(D) **LICENSE FEE.**—

(i) **IN GENERAL.**—Subject to clause (ii), each Executive agency shall establish an annual license fee for a license of occupancy issued under this paragraph.

(ii) **FEE CALCULATION.**—The fee established under clause (i) shall be—

(I) not more than the costs of the Executive agency directly related to processing a license of occupancy application and maintaining or managing the right-of-way or an occupied structure in the right-of-way; and

(II) objectively reasonable.

(iii) **ADJUSTMENTS.**—An annual license fee established under this subparagraph may be adjusted, not more frequently than once every 6 years, to reflect changes in the costs of the Executive agency, as calculated in accordance with clause (ii), upon renewal of such license.

(E) **CONSULTATIONS.**—

(i) **FEDERAL OWNED LAND.**—In the case of a Federal Government-owned right-of-way or structure located in a right-of-way located on Federal land, the Executive agency having control of the right-of-way or structure shall consult with the owner of the Federal land on whether to approve a request for a license under this paragraph.

(ii) **TRIBAL LAND.**—In the case of a Federal Government-owned right-of-way or structure located in a right-of-way located on Tribal land or held by the Federal Government for the benefit of an Indian Tribe, the Executive agency having control of the right-of-way or structure shall consult and receive consent from the Indian Tribe, as otherwise required by law, before determining whether to approve a request for a license under this paragraph.

(F) **AUTOMATIC DENIAL.**—In the case of a request for access under subparagraph (A) by a person, firm, or organization, the Executive agency having control of the right-of-way shall deny the request if the person, firm, or organization is determined by the head of the Executive agency to—

(i) be a risk to national security under the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601 et seq.); or

(ii) otherwise pose a threat to national security.

(G) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to exempt an Executive agency from the requirements of division A of subtitle III of title 54, United States Code, or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) **TIMELY CONSIDERATION OF APPLICATIONS.**—

(A) **IN GENERAL.**—Not later than 180 days after the date on which an Executive agency receives a completed application under paragraph (2), the Executive agency shall—

(i) on behalf of the Federal Government, grant the application, grant the application subject to conditions, or deny the application; and

(ii) notify the applicant of the decision of the Executive agency under clause (i).

(B) **EXPLANATION OF DENIAL.**—If an Executive agency denies an application under this subsection, the Executive agency shall notify the applicant in writing of such denial, which shall—

(i) be supported by substantial evidence contained in a written record; and

(ii) include a clear statement of the reasons for the denial.

(C) **PUBLIC RELEASE OF RECORD.**—The written record described in subparagraph (B)(i) shall be made available to the public—

(i) on the date on which the written notification is provided to the applicant under subparagraph (B); and

(ii) in a manner consistent with section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”) and other related provisions of law.

(D) **AUTOMATIC GRANT OF REQUEST.**—If an Executive agency fails to act on a request received under paragraph (2) by the end of the 180-day period described in subparagraph (A), the application shall be considered granted.

(4) **REQUIREMENT.**—Any regulation issued by an Executive agency governing management of access to a Federal right-of-way or Federal structure in a right-of-way under this section shall—

(A) be competitively and technologically neutral; and

(B) apply to all providers of broadband service on a competitively neutral and non-discriminatory basis.

(5) **EXECUTIVE AGENCY WEBSITE REQUIREMENTS.**—The head of each Executive agency shall make publicly available on the website of the Executive agency, in a manner that is

consistent with subchapter I of chapter 35 of title 44, United States Code, the following:

(A) The name or unique identifier of each entity submitting an application under paragraph (2) with respect to which the Executive agency is the Executive agency having control over the applicable right-of-way or structure in the right-of-way.

(B) The date on which each application described in subparagraph (A) was submitted to the Executive agency.

(C) The status of each application described in subparagraph (A), including—

(i) if the application has been granted, any accompanying information, including the period during which the applicant will have access to the applicable right-of-way or structure;

(ii) if the application has been granted subject to conditions, any accompanying information, including the conditions that the applicant is required to satisfy in order for the Executive agency to grant the application; and

(iii) if the application has been denied, the written record and statement required under paragraph (3)(B).

**SA 2343.** Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 442, strike lines 24 and 25 and insert the following:

Route 22 in the vicinity of Holly Springs, Mississippi.

“(99) The Central Louisiana Corridor commencing at the logical terminus of Louisiana Highway 8 at the Sabine River Bridge at Burrs Crossing and generally following portions of Louisiana Highway 8 to Leesville, Louisiana, and then eastward on Louisiana Highway 28, passing in the vicinity of Alexandria, Pineville, Walters, and Archie, to the logical terminus of United States Route 84 at the Mississippi River Bridge at Vidalia, Louisiana.”.

On page 443, line 8, strike “and subsection (c)(97)” and insert “, subsection (c)(97), and subsection (c)(99)”.

On page 443, line 14, insert “The route referred to in subsection (c)(99) is designated as Interstate Route I-14, and the State of Louisiana shall erect signs, as appropriate and as approved by the Secretary, identifying such route as future Interstate Route I-14.” after “I-365.”.

**SA 2344.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2168, strike line 14 and all that follows through page 2169, line 8, and insert the following:

(5) EXTENSIONS.—At the request of an eligible entity, the Assistant Secretary may extend the buildout deadline under paragraph (2) by not more than 1 year if the eligible entity certifies that—

(A) the eligible entity has a plan for use of the middle mile grant;

(B) the project to build out middle mile infrastructure is underway; or

(C) extenuating circumstances require an extension of time to allow completion of the project to build out middle mile infrastructure.

**SA 2345.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2491, between lines 16 and 17, insert the following:

**SOUTH FLORIDA ECOSYSTEM RESTORATION**

For an additional amount for South Florida ecosystem restoration, \$5,000,000,000, to remain available until expended: *Provided*, That the amounts made available under this heading in this Act shall be used to undertake work authorized to be carried out by law: *Provided further*, That the amounts made available under this heading in this Act shall be appropriated from amounts in the Treasury not otherwise appropriated: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**SA 2346.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII of division D, insert the following:

**SEC. 412. PROHIBITION ON CLEAN ENERGY MANDATES.**

No Federal agency may establish a clean energy mandate if the clean energy mandate would result in higher energy prices for taxpayers or small businesses in the United States.

**SA 2347.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and

transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

**SEC. 90. FUNDING FOR EVACUATION ROUTES.**

Notwithstanding any other provision of this Act, of the total amount of funds made available for each fiscal year to carry out this Act and the amendments made by this Act, 5 percent shall be used to carry out eligible projects on roads classified by 1 or more States as hurricane or other natural disaster evacuation routes.

**SA 2348.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In title VII of division B, add at the end the following:

**SEC. 27005. REPORT ON NATIONAL CENTER OF EXCELLENCE FOR LIQUEFIED NATURAL GAS.**

Section 111(c)(1) of the PIPES Act of 2020 (Public Law 116-260) is amended, in the matter preceding subparagraph (A), by striking “18 months” and inserting “1 year”.

**SA 2349.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

**SEC. . USE OF CERTAIN FUNDS.**

(a) USE OF FUNDS.—Notwithstanding any other provision of law, any amount made available to a State or local governmental entity under any COVID-19 relief legislation, including any amendment made by any such legislation, that remains unobligated after September 30, 2021, may be used by such State or local government for any purpose, including infrastructure, subject to subsection (b).

(b) RESTRICTIONS.—

(1) APPLICATION OF CERTAIN RESTRICTIONS.—Any amount appropriated pursuant to any COVID-19 relief legislation, including any amendment made by any such legislation, shall be subject to the requirements contained in Public Law 116-260 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254b through 256).

(2) UNDERFUNDED STATE PENSION PLANS.—No amounts described in subsection (a) may be used to fund an underfunded State pension plan.

(c) COVID-19 RELIEF LEGISLATION.—For purposes of this section, the term “COVID-19 relief legislation” includes—

(1) the Families First Coronavirus Response Act (Public Law 116-127);

(2) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136);

(3) the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139);

(4) the Consolidated Appropriations Act, 2021 (Public Law 116-260); and

(5) the American Rescue Plan Act of 2021 (Public Law 117-2).

**SA 2350.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 24220.

**SA 2351.** Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 22212.

**SA 2352.** Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV of division B, add the following:

**SEC. 241. SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS.**

Section 163(e) of title 23, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) FISCAL YEAR 2022 AND THEREAFTER.—

“(A) RESERVATION OF FUNDS.—On October 1, 2021, and each October 1 thereafter, if a State is, or includes a political subdivision that is, a sanctuary jurisdiction, the Secretary shall withhold an amount equal to 10 percent of the amounts to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b).

“(B) DEFINITION OF SANCTUARY JURISDICTION.—

“(i) IN GENERAL.—Except as provided under subparagraph (ii), for purposes of this paragraph, the term ‘sanctuary jurisdiction’ means any State or political subdivision of a State that has in effect a statute, ordinance, policy, or practice that prohibits or restricts any government entity or official from—